

Application No.: 09/904124

Case No.: 56908US002

**Amendments to the Claims:**

The following Listing of Claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims**

- cl. 1
1. (previously presented) A firestop device for providing a passage through a partition in a structure, comprising:
- (a) a housing; and
  - (b) firestop material arranged within said housing;
- said housing including at least one frangible connection defining a removable band.
- cl. 5
2. (previously presented) A firestop device as defined in claim 1, wherein said band includes a pull tab, said pull tab providing grasping means for allowing a user to remove said band from said housing at said frangible connection.
- cl. 3
3. (previously presented) A firestop device as defined in claim 1, wherein said housing comprises a base portion and a riser portion, said base portion including a recess for receiving said firestop material, and said riser portion including said frangible connection.
- cl. 4
4. (previously presented) A firestop device as defined in claim 3, wherein said base portion includes a sidewall portion extending from a first open end toward said riser portion, and a shoulder portion extending inwardly from said sidewall portion to said riser portion, said sidewall portion and said shoulder portion defining said recess for receiving said firestop material.
5. (previously presented) A firestop device as defined in claim 4, wherein said sidewall and said shoulder portions include inner surfaces having ribs.

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6. (previously presented) A firestop device as defined in claim 5, wherein said housing has first and second opposed open ends and a hollow chamber having a longitudinal axis extending from said first open end to said second open end.

7. (previously presented) A firestop device as defined in claim 6, wherein said first open end is provided in said base portion and said second open end is provided in said riser portion, said firestop material being provided in spaced relation along said sidewall portion inner surface from said first open end to said shoulder portion.

8-9. (canceled)

10. (amended) A firestop device as defined in claim [[9]] 3, wherein said riser portion includes a plurality of equally segmented transverse bands each including a manually engageable pull tab.

11. (previously presented) A firestop device as defined in claim 10, wherein each said pull tab includes indicia indicating the length of the device at each band corresponding to the thickness of the partition.

12. (previously presented) A firestop device as defined in claim 11, further comprising a cap attached to said riser portion thereby to cover said second open end.

13. (previously presented) A firestop device as defined in claim 12, wherein said cap contains snap connectors that snap onto said riser portion, thereby to attach said cap to said riser portion.

14. (previously presented) A firestop device as defined in claim 11, further comprising an extension member adapted to connect with said riser portion adjacent said open second end.

15. (previously presented) A firestop device as defined in claim 3, further comprising a retaining ring arranged within said base portion first open end adjacent said firestop material.

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16. (previously presented) A firestop device as defined in claim 15, wherein said retaining ring is coded to indicate the quantity of firestop material provided in the device depending on the application of the device.

17. (previously presented) A firestop device as defined in claim 11, further comprising an adapter connected with said base portion for coupling said device to a contoured surface.

cl. 1  
cl. 5  
cont.  
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18. (previously presented) A firestop device for providing a passage through a partition in a structure comprising a housing having first and second opposed open ends and a hollow chamber having a longitudinal axis extending from said first open end to said second open end, said housing including a cylindrical base portion having a diameter and a cylindrical riser portion having a diameter smaller than said base diameter, said base portion including an annular sidewall portion extending from said first open end toward said riser portion and a shoulder portion extending radially inwardly from said sidewall portion to said riser portion, said sidewall portion and said shoulder portion defining an annular recess for receiving firestop material, said sidewall and said shoulder portions including inner surfaces having inwardly extending ribs, said riser portion including a plurality of longitudinally arranged frangibly connected circumferential bands having equal axial lengths, each band including a radially outwardly extending pull tab that can be used to manually remove a band from said riser portion along a frangible connection, thereby to reduce the height of the device in accordance with the thickness of the partition into which the device is installed.

19. (new) A firestop device as defined in claim 2, wherein said pull tab extends radially outwardly from said band.

20. (new) A firestop device as defined in claim 5, wherein said sidewall ribs extend longitudinally from said first open end along to said shoulder portion along said inner surface, thereby defining a gap between said intumescent material and said sidewall inner surface.

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21. (new) A method of creating a firestop opening in a concrete partition, comprising the steps of:

- conf*  
*CI*
- (a) securing a firestop device to a form, said firestop device comprising:
    - (1) a housing including at least one frangible connection defining a removable band; and
    - (2) firestop material arranged within said housing;
  - (b) pouring concrete into the form to a desired depth; and
  - (c) separating removable bands from the device that extend beyond the depth of the concrete.
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